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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,207	12/05/2005	Paolo Alessandro Sommacal	UVB 005	3449

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EXAMINER

MORGAN, EILEEN P

ART UNIT	PAPER NUMBER
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3723

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/537,207	Applicant(s) SOMMACAL, PAOLO ALESSANDRO	
	Examiner Eileen P. Morgan	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7,8 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,8,14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: The term 'single-block plastic booth' is unclear. How is it a single block? The hinged door would not allow the booth to be a 'single block.' Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,4,7,8,14-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added description of the booth being 'molded' is new matter not supported by original specification. The term molded being defined as 'shaping' is still new matter. Also, the amendment to [0068] is new matter. The sentence originally stated that the structures could be produced in one plastic single body, now it states each structure can be produced as one single plastic body. This is structurally different and therefore, new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1,4,7,8, 14-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the term 'molded' constitutes new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 14-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Dockery-3,300,902 in view of Puschner-5,431,593.

Dockery discloses an abrasive cleaning device (10) comprising a single-block blasting booth (on top) having a front wall, a top wall, a bottom wall, and side walls, wherein at least a portion of one of the side walls is openable (37), thereby giving access inside the single-block blasting booth, wherein at least a portion of the front wall is sloped, wherein an inspection window (12) comprises a transparent glass surface is provided in the front wall, and wherein two holes (11) are provided in the front wall, the two holes being positioned side by side and being structured for having a work glove extending from each of the two holes and wherein the bottom wall of the blasting booth is shaped like a hopper (Fig. 2) and is connected to an outlet pipe (19). The abrasive device further comprising a support structure (26) for the blasting booth, a feeding device (17) providing a granular blasting material to the single-block blasting booth, and a filtering device (23) filtering the blasting material exiting the single-block blasting booth, the filtering device (23) being integrated and in flow communication with the single-block blasting booth (10), wherein the support structure (26) is box-shaped and open on one side (top) to accommodate the hopper-shaped bottom wall of the blasting booth, and wherein a side wall of the support structure is open facing the filtering device (23) and enabling a connection of the outlet pipe (19) with the filtering device (23). The abrasive cleaning device further includes the feeding device (17) comprises a shell structure (part of entire device of 10) having a size and a profile

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adequate to provide coupling of the feeding device with the blasting booth via tubes 28,29, wherein the shell structure (part of 10) houses at least one tank (17) containing the blasting material, and wherein the blasting material is delivered inside the single-block blasting booth through means (28,29) for delivering the blasting material, wherein the means for delivering the blasting material are connected with a tubular structure (28,29) having a nozzle (31) at the end opposite to the tank, wherein the support structure (26), the feeding device (17), and the filtering device (23) are contained within a single Lshaped element (10-inverted 'L'), wherein the filtering device (23) is housed within a filtering shell structure (10), and wherein the filtering device (23) comprises a suction device (15) providing an exit flow of gases from the filtering device (23), and a cartridge filter (25) connected to the suction device (15).

Dockery does not disclose the device made of plastic nor wherein the hinged door (37) is seal when closed. However, Puschner teaches an abrasive blasting machine that is made of plastic (col. 12, line 31) having a hinged door (23) that is sealed with an elastic seal/gasket (28). Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to provide the door of Dockery with a gasket, as taught by Puschner, in order to adequately seal the chamber so no debris enters or exits the chamber. In addition, it would have been obvious to one of ordinary skill in the art at time invention was made to make the device disclosed by Dockery out of plastics, as taught, by Puschner, since plastics are light weight and easy to clean. And furthermore, the choice of material would have been within the level of ordinary skill dependent on machining parameters. In addition, to make the plastic booth out of one single sheet would have been an obvious design choice in order to completely seal interior from the outside.

Claims 7 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Dockery in view of Puschner as applied to claims above, and further in view of Hoy et al.-6,263,624.

Dockery and Puschner do not teach the walls being made from two parallel sheets of plastic with insulating material therebetween. However, Hoy teaches using a double plastic wall structure (70,72,75) wherein two sheet of plastic are parallel and contain insulating trapped air therebetween. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to form the walls of the device as taught by Dockery and Puschner with double plastic sheets, as taught by Hoy, in order to more efficiently insulate blast chamber.

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Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dockery in view Puschner as applied to claims above, and further in view of Ruemelin et al-5,177,911.

Dockery uses a dry abrasive in the blasting device but does not disclose the exact material as being sodium bicarbonate. However, Ruemelin teaches blasting workpieces with sodium bicarbonate. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to provide Dockery with sodium bicarbonate material since this is an old and well-known material to be used for efficiently blasting workpieces and because of the easy clean-up (solubility) and non-toxicity of the powder.

Response to Arguments

Applicant's arguments filed 10-12-06 have been fully considered but they are not persuasive. Regarding the additions of 'molding' and [0068], this is deemed new matter. Arguments are drawn to the fact that Dockery nor Puschner disclose a booth made of a single plastic sheet that is 'molded' or shaped to form booth. However, this is deemed new matter and not treated on the merits. However, it is noted that to form the booth of a single sheet would be obvious for complete sealing of interior.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen P. Morgan whose telephone number is 571.272.4488. The examiner can normally be reached on Monday-Thursday, 7am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571.272.4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EM
December 26, 2006


Eileen P. Morgan
Primary Examiner